

**Town of North Smithfield Planning Board
Kendall Dean School, 83 Green Street
Thursday, October 18, 2012, 7:00 PM**

The Chair called the meeting to order at 7:03 pm.

1. Roll Call

Present: Chair Dr. Lucien Benoit, Dean Naylor, Gene Simone, Alex Biliouris, Art Bassett (arrived at 7:13 pm). Absent: Gene Currie, Mali Jones. Also present was Town Planner Bob Ericson.

2. Approval of Minutes: September 20, 2012

Mr. Naylor made a motion to approve the minutes of the September 20, 2012 meeting. Mr. Simone seconded the motion, with all in favor.

Mr. Ericson asked the Board to consider voting to change the order of the agenda so Caroly Shumway could comment on the OWTS setback ordinance. Mr. Simone made a motion to discuss Item 4 (Zoning amendments, section 5.1-4) before Item 3. Mr. Biliouris seconded the motion, with all in favor.

3. Section 5.1-4 zoning amendments (continuation): Review of district establishment, district descriptions, and use table

regulations, notably focused on a recent state law permitting plant agriculture in all zoning districts. Discussion, votes or other actions for additional recommendations to the Town Council. Public comment will be encouraged.

The Board discussed proposed zoning amendments. Mr. Ericson informed the Board that the 2012 legislature passed a law permitting plant agriculture in all zoning districts with few exceptions. After a brief discussion, Mr. Simone made a motion that the Planning Board send its recommended changes (to change every zone to “Y” in 5.4.1(6) of the Zoning Ordinance to comply with state law) to the Town Council for entry as exhibits in the public hearing. Mr. Biliouris seconded the motion, with all in favor.

4. Proposed recommendations regarding OWTS setbacks: Discussion, votes or other actions on proposed changes to the OWTS setback zoning ordinance (Section 6.12) presently before the Town Council. These changes would limit the area of applicability and establish administrative procedures.

Mr. Ericson stated that Caroly Shumway of the ODC would like to discuss her latest URI collaboration on the development of an administrative procedure for review of setback requirements. The Chair asked how it could be determined that a substandard system (cesspool) has not failed. Mr. Ericson stated that they are not referring only to cesspools; it is referring to septic systems that need

to be improved with techniques to minimize impact. The Chair suggested adding “substandard OWTS.” Mr. Ericson and the Board reviewed the proposed recommendations presented by Ms. Shumway, based on regulations in Johnston and Tiverton. The Chair asked why the town should consider regulations that are above and beyond the state DEM regulations. Ms. Shumway stated that DEM recommends this particular ordinance. Even though the town does not currently have a town engineer, the ordinances should not be structured around current personnel. Mr. Biliouris also questioned why the town would have an ordinance that differs from the state regulations when DEM has jurisdiction. Mr. Ericson stated that the town is separately required to protect aquifer and surface water (drinking water supplies), as outlined in the Comprehensive Plan. He suggested putting the stricter requirements in the aquifer protection ordinance so it would protect the drinking water. Mr. Ericson and the Board reviewed the map to clarify which parts of town they were referring to for these regulations. He said that they will need to change the tables to state the impervious cover allowed by zone “as delineated on the aquifer protection map.” Ms. Shumway stated that Mr. Biliouris should recuse from discussing the BH zone maps because he represents clients as a realtor. Mr. Ericson stated that Mr. Biliouris would not have to recuse himself if he speaks about general concepts and not specific properties he might represent. Mr. Biliouris stated that he didn’t have a problem with recusing, but he does not own any property in the area being discussed. The Board discussed pre-existing nonconforming lots and that requiring redevelopment to

adhere to the same regulations as new development will result in no redevelopment. The Board suggested requiring redevelopment to maintain or decrease impervious cover, but that they will not be allowed to increase impervious area. Ms. Shumway objected to adding a clause about existing impervious cover. Mr. Ericson said that the table includes this information and that the town will encourage less impervious area. He also stated that the aquifer protection ordinance should be in place before the OWTS regulations.

The Board discussed some of the recommendations of URI consultant Lorraine Joubert. The Chair stated that denitrification is an extreme measure that is unnecessary. Ms. Shumway stated that the report refers to phosphate. Mr. Naylor asked if the Board could get a report that shows the degree of impact of the phosphate. The Chair suggesting using organic fertilizers in areas with large amounts of phosphorous and nitrogen. He added that it will be impossible to enforce, but it could be done as an educational process, with composting methods being encouraged.

Mr. Naylor made a motion to send the Planning Board's recommended changes for section 6.12 of the Zoning Ordinance to the Town Council for public hearing. Mr. Simone seconded the motion, with all in favor. Mr. Ericson said he will send out final revised copies to the Board.

5. Dowling Village: Review, discussion, votes or other actions regarding 1) RI Department of Environmental Management's notice of

violations related to the Construction Activities Stormwater General Permit (CGP), and 2) the status of water quality reports.

Mr. Biliouris recused himself from this discussion.

The Board discussed the notice of violations for construction stormwater management at Dowling Village. He stated that the town's inspector at Pare Engineering has said that items 1 and 4 have already been addressed. The Chair stated that the Board needs to have all the information to be considered before the meeting. Mr. Ericson stated that DEM is preparing a water quality monitoring deficiencies notice, and that the Board can discuss this at the next meeting. He stated that the construction foreman is aware of the deficiencies, as outlined by Pare, but he has not been authorized by the contractor to fix the problems.

6. Land Development & Subdivision Regulations: Review of previous discussions for Articles 1, 2, 4, 5, 9 and appendices. Discussion of the revisions process.

Mr. Biliouris rejoined the Board. Mr. Ericson introduced two issues to the Board, both concerning materials submission requirements for plan review applications. The first was the requirement of a state Physical Alteration Permit (PAP) at the time of submission. Mr. Ericson stated that these are approved as applied for in almost every case. As long as the applicant submits a copy of the application, it

should be sufficient to proceed with the review process.

He suggested the same for freshwater wetlands permits. Although there are changes suggested in approximately 30% of the cases, they are not usually major changes that would affect the rest of the application, and a benefit would be that the town could deal directly with DEM during the application process. Mr. Ericson added that not all subdivision applications have wetlands permits attached. The Chair agreed that it would be acceptable to get the approval process started, but to wait until the approved permits are received before the Board votes on the Preliminary Plan.

Mr. Naylor asked how that would affect the clock on the projects. Mr. Ericson stated that the applicant would have to agree to a time waiver if they choose to take the option of not submitting approved permits.

Mr. Ericson also asked the Board for input on road width requirements. He said that some Massachusetts suburbs require as little as 18' with country drainage (slight swale) and no more than three dwellings. North Smithfield requires 30'. Mr. Ericson stated that reducing the width requirement to 26' would cause no problems, and it could be reduced further to 22' in small cul-de-sacs with country drainage which would also eliminate the requirement of granite curbing. Mr. Ericson said he would write something on country drainage and prepare materials on this issue for the next meeting.

7. Planning update: Review of current events, meetings schedule.

The Board briefly discussed a proposed chicken ordinance. Mr. Ericson also talked about priorities for the next Board, with emphasis on Land Development and Subdivision Regulations, zoning, and capital planning.

Mr. Simone made a motion to adjourn at 8:48 pm. Mr. Biliouris seconded the motion, with all in favor.